

STATE OF MICHIGAN
COURT OF APPEALS

DARRYL COTTRELL,

Plaintiff-Appellant,

v

PAROLE BOARD,

Defendant-Appellee.

UNPUBLISHED

April 6, 2006

No. 258063

Ingham Circuit Court

LC No. 04-001001-AW

Before: Hoekstra, P.J., and Wilder and Zahra, JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court's order granting defendant summary disposition of his complaint for mandamus. We dismiss this appeal as moot.

Plaintiff was convicted in 1999 of resisting and obstructing a police officer, MCL 750.479, and habitual offender fourth, MCL 769.12, and was sentenced to serve three to fifteen years' imprisonment. He won parole in October 2002, but his parole was revoked on the basis of an alleged instance of domestic violence.

Plaintiff filed a complaint for a writ of mandamus in the circuit court, seeking a grant of parole or rehearing in the matter, asserting that he was not permitted to confront witnesses against him, and was found guilty of the violation on insufficient evidence. The circuit court granted defendant's motion for summary disposition.

While this appeal was pending, plaintiff again won parole. Plaintiff having, in effect, achieved the parole he is asking this Court to provide, renders this case moot. See *People v Rutherford*, 208 Mich App 198, 204; 526 NW2d 620 (1994). Because we can no longer fashion a remedy, and this case does not pose an important question of law that invites plenary resolution despite its being rendered technically moot, we decline to consider the merits of plaintiff's arguments. See *Morales v Parole Bd*, 260 Mich App 29, 32-33; 676 NW2d 221 (2003); *Hinton v Parole Bd*, 148 Mich App 235, 238-239; 383 NW2d 626 (1986).

Dismissed as moot.

/s/ Joel P. Hoekstra

/s/ Kurtis T. Wilder

/s/ Brian K. Zahra